

FISCAL NOTE

SB 2473 - HB 3231

March 6, 2000

SUMMARY OF BILL: Expands crime and penalties related to the unlawful carrying, possessing and use of firearms and creates new offenses involving discharge of a firearm from a vehicle as follows:

- Increases penalty for carrying a firearm with the intent to go armed punishable as a Class A misdemeanor if a person has a prior conviction for weapons possession, assault, or simple possession or casual exchange of drugs punishable as follows: 1st violation - minimum mandatory sentence of 30 days imprisonment up to 11 months and 29 days; 2nd violation - minimum sentence of 60 days imprisonment up to 11 months and 29 days; 3rd and subsequent violation - A Class E felony with minimum mandatory sentence of 150 days imprisonment up to two years. Sentences will not be probateable and served at 100 % of sentence imposed.
- Prohibits the *possession* of a firearm by a person previously convicted of a felony punishable as a Class E felony unless the prior offense was first degree murder or a Class A or B felony which will be punishable as a Class D felony; prohibits *possession of a firearm during the commission of, attempt to commit or escape* from a crime which will be punishable as a Class E felony; prohibits *use of firearm during the commission of, attempt to commit or the escape* from a crime punishable as a Class C felony. Sentences will not be probateable, served at 100% of sentence imposed and served consecutively to any other sentence.
- Increases punishment for possession, manufacturing, transporting, or selling explosives or explosive weapons, machine guns, short-barrel rifles or shotguns and firearm silencers from a Class E felony to a Class C felony. Sentences will not be probateable, served at 100 % of sentence imposed and served consecutively to any other sentence.
- Creates a Class A felony offense for discharging a firearm from a vehicle causing serious bodily injury to another person; a Class B felony offense for discharging a firearm from a vehicle causing bodily injury to another person; and a Class D felony offense for discharging a firearm from a vehicle creating a substantial risk of bodily injury to another person or causing property damage to a habitation.
- Provides that any firearm or vehicle used during the commission of any of these offenses will be forfeited.

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ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$25,989,000/Incarceration*

Increase Local Govt. Expenditures* - \$246,000

Increase Local Govt. Revenues - Not Significant

Assumes:

- most aggravated offenses involve the possession or use of a firearm and that 645 of these persons with felony convictions will serve an additional 100% minimum mandatory sentence.
- an estimated 150 misdemeanants will serve additional minimum mandatory sentences for firearm violations. Forfeitures of vehicles and firearms are estimated to result in an insignificant amount of local government revenues.

**Section 9-6-119, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law.*

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director